IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 14465 of 2004(V)

AGAINST THE ORDER IN IA.1923/01 IN
OS.226/2001 of MUNSIFF COURT, TIRUR
.....

PETITIONER:

K.P.ABDUL HAMEED,
S/O. MOHAMMED ALIAS BAPPU, AGED 49 YEARS,
K.P.HOUSE, TRIPRANGODE AMSOM,
TIRUR TALUK.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS:
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1. NEW YORK VYDHAYANATHAN,
RASMI ARTS INSTITUTION, NO.9,
MAJESTIC PARK, RAJASH AVENUE, SHALIGRAMAN,
CHENNAI, TAMILNADU.

2. PROPRIETOR, LALLU FILMS, ROSE GARDEN,
18/1041 A, SAMOODIRI ROAD, CALICUT.

3. PROPRIETOR, KEN MUSIC, K.S.C.ROAD,
COCHIN - ERNAKULAM DISTRICT.

4. KAREEM, MUDRA, VADAKKEKAD,
P.O.KALLOOR, TRICHUR DISTRICT.

5. S.N.SWAMY, 30/5378,
ALAPPATTU ROAD, RAVIPURAM, COCHIN.

6. RAVEENDRAN M.A., DOOR NO.41,
PLOT NO.55, GANDHI AGAR ROAD,
INDIRA GANDHI STREET, ALWANTHIRU NAGAR,
CHENNAI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC 14465/04

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF PLAINT IN OS NO.226/01 DATED 27.09.01 FILED BY PETITINER BEFORE THE MUNSIFF'S COURT, TIRUR.

EXT.P2 : TRUE COPY OF ORDER DT.11.4.04 IN IA NO.1923/2001 IN OS 226/01 OF THE MUNSIFF'S COURT, TIRUR.

EXT.P3 : TRUE COPY OF JUDGMENT DT.4.11.03 IN CMA NO.9/03 OF THE SUBORDINATE JUDGE OF TIRUR.

/TRUE COPY/

PA TO JUDGE.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 14465 OF 2004

Dated this the 9th day of August, 2007

JUDGMENT

This Writ Petition is remaining defective on the reason that process has not been remitted, though notice was ordered way back in 18.05.05. The learned counsel for the petitioner sought time. But, having gone through Exts.P2 and P3 judgments which are impugned in this Writ Petition, I am of the view that there is not warrant for setting aside those orders invoking the supervisory jurisdiction of this court.

Under Exts.P2 and P3 a request filed by the petitioner for temporary injunction was declined. Obviously, there has not been any injunction order in force since the date of Ext.P2, till now. Under these circumstances, I dispose of the Writ petition itself directing the Munsiff, Tirur to expedite the trial of OS No.226 of 2001(if the same is not already disposed of) and dispose of the same at the earliest and at any rate within two months of receiving copy of this judgment. It is needless to state that the learned Munsiff will not be influenced by the findings entered and decisions taken under Exts.P2 and P3 while taking decision in the suit. Decision on Exts.P2 and P3 will be taken on the basis of the evidence which comes on record at trial.

PIUS C. KURIAKOSE, JUDGE

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